

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 24, 2005**

DIVISION ONE

B173564      Los Angeles County, D.C.S.      (Not for Publication)  
B175393      v.  
                Estrella R.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                      Suzukawa, J. (Assigned)

B179908      Myra H.      (Not for Publication)  
                v.  
                Superior Court, Los Angeles County  
                (Department of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                      Suzukawa, J. (Assigned)

B159728      NEI Direct, Inc.  
                v.  
                First USA Bank et al.

Filed order granting petition for rehearing.

DIVISION ONE (Continued)

B176581      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Michael L.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Mallano, J.

DIVISION TWO

B162063      Kaplan v. Breslow, Marina East Holdings      (Not for Publication)  
B165532      Goldrich et al., v. Kaplan

The judgments on the appeal following summary judgment, on the cross-appeal following trial, and on the appeal from the award of attorney fees and costs are affirmed. Goldrich and Snyder are entitled to recover from Kaplan their attorney fees and court costs on appeal with respect to collection of the 1992 promissory note, and they may do so by appropriate motion in the trial court. In all other respects, each party is to bear its own costs on appeal.

Boren, P.J.

We concur:    Nott, J.  
                 Doi Todd, J.

B175380      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 S.E.

The appeal is dismissed.

Ashmann-Gerst, J.

We concur:    Nott, Acting P.J.  
                 Doi Todd, J.

DIVISION TWO (Continued)

B175910      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 John K.

The order terminating appellant's parental rights is affirmed.

Ashmann-Gerst, J.

We concur:    Nott, Acting P.J.  
                 Doi Todd, J.

B176976      People      (Not for Publication)  
                 v.  
                 Murguia

The Court:

The judgment is affirmed.

Nott, Acting P.J., Doi Todd, J., Ashmann-Gerst, J.

B172909      James Keifer, et al.  
                 v.  
                 Weldon Horton

Filed order denying petition for rehearing.

B174502      Marina Hall  
                 v.  
                 University of Southern California

Filed order denying petition for rehearing.

DIVISION THREE

B167278      Wang      (Not for Publication)  
v.  
Golden Eagle Insurance Company et al.

The judgments are affirmed. Golden Eagle and Fire are entitled to recover their costs on appeal.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

[illegible]

The judgment is modified to reflect a consecutive firearm enhancement of three years and four months with respect to count two and a consecutive firearm enhancement of one year and four months with respect to count four. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

February 24, 2005 (Continued)

## DIVISION FOUR

B173781 People v. Butler (Certified for Publication)

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.  
Grimes, J. (Assigned)

B175646 People (Not for Publication)  
v.  
Houston

The judgment is reversed as to the sentence only, and the matter is remanded for the court to conduct a new sentencing determination pursuant to *Blakely v. Washington*, supra, 542 U.S.\_\_\_\_. In all other respects, the judgment is affirmed.

Hastings, J.

I concur: Epstein, P.J.  
I concur and dissent: Grimes, J. (Assigned) (Opinion)

B169748 People (Not for Publication)  
v.  
Wilson

The judgment is reversed as to the sentence only, and the matter is remanded for the court to conduct a new sentencing determination pursuant to *Blakely v. Washington*, supra, 542 U.S.\_\_\_\_. In all other respects, the judgment is affirmed.

Hastings, J.

I concur: Epstein, P.J.  
I concur and dissent: Grimes, J. (Assigned) (Opinion)

February 24, 2005 (Continued)

## DIVISION FOUR (Continued)

B171631 People (Not for Publication)  
v.  
Somwangtawil

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect no parole revocation fine (§ 1202.45) was imposed.

Grimes, J. (Assigned)

We concur:   Hastings, Acting P.J.  
                  Curry, J.

[illegible]

The judgment is reversed and the cause remanded for further proceedings consistent with the views expressed in this opinion.

Epstein, P.J.

I concur: Curry, J.  
I concur and dissent: Grimes, J. (Assigned) (Opinion)

B176345      B&B Investments      (Not for Publication)  
v.  
Wells Fargo Bank, N.A.

The order is affirmed.

Epstein, P.J.

We concur: Curry, J.  
Grimes, J. (Assigned)

February 24, 2005 (Continued)

## DIVISION FOUR (Continued)

B171488 People (Not for Publication)  
v.  
Auzenne

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

B178107 People v. Alderson (Not for Publication)

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

## DIVISION FIVE

B179115      Veronica T.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(DCFS, r.p.i.)

The petition is denied.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J. (Assigned)

February 24, 2005 (Continued)

DIVISION SIX

[illegible]

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION EIGHT

Court convened at 9:05 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B179117 Rosalinda G. v. S.C.L.A. (DCFS)  
B177113 People v. Arellano

Argument waived, cause submitted.

B175007      People  
v.  
Sanchez

The matter has been continued to March 24, 2005, at 9:00 a.m.

B178101 Catholic Mutual Relief Society & Catholic Relief Ins.  
v.  
Superior Court, Los Angeles County  
(Plaintiffs & Defendants Of The Clergy Cases II, r.p.i.)

The matter has been continued to March 24, 2005, at 1:00 p.m.



DIVISION EIGHT (Continued)

B170613      KPMG LLP et al.  
                 v.  
                 The Board Of Accountancy Of The State Of California  
  
                 The matter has been continued to March 24, 2005, at 1:00 p.m.

B162325      Chan Law Group  
                 v.  
                 Chen  
  
                 Matter ordered off calendar.

B171987      William Hablinski Architecture,  
                 v.  
                 Shahverdi  
  
                 Appearances:  
                 Gary L. Bostwick for appellant and John Tehranian for respondent.  
                 Argument waived, cause submitted.

B173233      T Properties, LLC  
                 v.  
                 Small Hill, LLC  
  
                 Merits:  
                 Argued by Raymond L. Asher for appellant and no appearance on behalf of  
                 respondent. Cause submitted.

B170122      Teecher  
                 v.  
                 Damavandi et al.  
  
                 Merits:  
                 Argued by James C. Chow for appellants and by David A. Huffaker for  
                 respondent. Cause submitted.

Cooper, P.J. leaves the bench.

DIVISION EIGHT (Continued)

B175191 Nevils,  
B177010 v.  
Ocean Front Enterprises,

Merits:  
Argued by Robert E. Ware for appellant and by Gretchen K.  
Buechsenschuetz for respondent. Cause submitted.

Court recessed at 9:45 a.m.

Court reconvened at 10:30 a.m.

Present: Rubin, Acting P.J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B165346 Eamer et al.  
v.  
Tenet Healthcare Corporation

Merits:  
Argued by Allan Browne for appellants and by Robert S. Draper for  
respondent. Cause submitted.

B167835 Williams  
v.  
Zuckerman et al.

Merits:  
Argued by Vip Bhola for appellant and by David T. DiBiase for  
respondents. Submission deferred pending the filing of additional briefs.  
Counsel have until March 1, 2005, to file written briefs by fax, not to  
exceed 5 pages in length.

Court recessed at 12:02 p.m.

DIVISION EIGHT (Continued)

Court reconvened at 1:00 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J., Earl Johnson, J. (Assigned) and Connie Hon, Deputy Clerk.

B173157      Mohag Construction Co. et al.  
                 v.  
                 County Of Los Angeles

Merits:

Argued by Donald Iwuchukwu for appellants and by Thomas E. Boze, Deputy County Counsel for respondent. Cause submitted.

B171090      Tire Distributors, Inc., v. Cobrae  
B177082      Tire Distributors, Inc. v. A-Line Construction & Engineering, Inc., et al.

Merits:

Argued by Jeffrey Lipow for appellant/respondent (Tire Distributors, Inc.) and by Pamela Dunn for respondent/appellants (Cobrae & A-Line Construction). Submission is deferred pending further order or until oral argument and submission on sanction portion whichever occurs first.

B173273      Woods et al.  
                 v.  
                 Fox Broadcasting Sub, Inc., et al.

Merits:

Argued by John Shaeffer for appellants and by John B. Quinn for respondents. Cause submitted.

February 24, 2005 (Continued)

## DIVISION EIGHT (Continued)

B158840	Consumer Advocacy Group, Inc., et al. v. Amerihost Properties Inc., et al.
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Merits:

Argued by Reuben Yeroushalmi for appellant (Consumer Advocacy Group, Inc.); by Anthony G. Graham for appellant (Consumer Defense Group); by Kurt Weissmuller for respondents (Amerihost Properties, Inc., et al.); by Michael G. Romey for respondents (La Quinta Inns et al.); by Carol Rene Brophy for respondents (Comfort Inn, E-Z 8 Motels et al.); by Michael R. Leslie for respondents (Texaco Refining & Marketing, Inc. etc.); by Damon C. Anastasia for respondents (7-Eleven, Inc. Walmart Stores, Inc., et al.) and by Suzanne Henderson for respondent (Best Western International Inc.).

Appearances but not arguing:

Scott A. Kruse for respondents (Wyndham International, Inc.) and Robert C. Lonstreth for respondents (Rite Aid Corporation).

Cause submitted.

Court adjourned at 4:37 p.m.

B172508      People                                  (Certified for Publication)  
v.  
Earl Bernard Cross

The judgment is reversed.

Boland, J.

I concur: Rubin, Acting P.J.  
I dissent: Flier, J. (Opinion)

February 24, 2005 (Continued)

## DIVISION EIGHT (Continued)

B166338 People (Not for Publication)  
v.  
Jose Trinidad Quintero

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.